

June 20, 1960

Mr. Lewis Bergson, Editor
The New York Times Magazine
Times Square, N.Y. 10036

Dear Mr. Bergson,

The word of the laboring mouse is the squeak of a timid mouse.

I refer to your letter of 19 and the generous advice and opinion you were so kind to take the time to offer. It took exactly two months, which is about the period of mouse gestation. It is nonresponsive, evasive, and as much a disgrace to the New York Times as the article of which I wrote you.

Remarkably enough, neither in this letter nor in any other communication have you denied the accuracy of my charge against Epstein and your publication of his unchecked writing. What I said is this:

"Without exception, every statement he makes about me is either false, designed as libel or both". Your semantics misrepresents this. With the proper condescension of the great and powerful dispensing judgments to and for the benefit of the least and unimportant, you preface your non-response with this lordly opinion, "I'm afraid the conclusion is not encouraging for you." Conclusion on what? "Your letter on the Epstein piece". Am I to be "encouraged" at the New York Times acknowledgement that it prints libel? Gross inaccuracy? That instead of a great newspaper it is a partisan, creating news, acting as an arm of government? This I could not find "encouraging". And your "decision, what is that?" We feel that there was no libel in the article, and quite apart from that matter, the article itself was sound."

Would you rather go to Atlantic City or by bus?

"My question has no less meaning than your "answer".

Whether or not, within the meaning of the law, there is libel in this article is an opinion I could seek not from you but from a lawyer. If he decides the skilled defender you employed did violate the law we then might seek a court decision. What I asked of you is not a court ruling, though I am now persuaded you could have issued it, nor an award in money for damages inflicted. I asked, after proving beyond the doubt of reasonable men that Epstein's is egregious error, that you undo the damage you had done to the quest for truth on a great national issue and "retract and apologize for Epstein's error and libel, making it a matter of record in your paper." Thereafter, - pointed out that, with books now under consideration, this deliberate error continued to render damage.

Now, Mr. Bergman, there is something you and I both know, if it took you two months to prove it to yourself. "Without exception, every statement he (Epstein) makes about me (emphasis added) is either false, designed as libel or both." You do not challenge this because you cannot. You do not address it because, I fear, you lack the intellectual integrity one might hope for in an editor of a great newspaper. Instead you are your libeler, Epstein, and resort to shameful evasions. Whether or not there is a legal action for libel in the article we may yet determine in the prescribed manner. But aside from those special New York Times definitions of words we have dictionaries. Mine describes libel as defamation. Epstein's writing about me is and was designed as precisely this, and this is what you find publishable when an American President is murdered and so many questions remain, none having been adequately answered. Your evasion can be taken only as confirmation, for by now that you surely have, and your dishonorable refusal to right the wrong can be interpreted, I think only, as evidence Epstein was your uttersail, doing your desire, uttering those defamations honorable men will not, I might add, manufacturing them.

So much for your gratuitous and evasive dictet that, in the meaning of the law there is no libel or your opinion that I would never be able to collect or be able to afford the effort. You add to this, "quite apart from that matter, the article itself was sound". But it is not "quite apart from that matter" that I asked undoing of the damage. Whether or not the article is "sound" apart from the fact that it "without exception...is either false, designed as libel or both" as it relates to me is the issue. This is by no means to concede that your irrelevant demand is accurate or justified, for neither is the case. It is simply that you are not man enough to face the issue and that, at the very least for the establishment of an historical record, I will not be diverted from it.

It is a nonsequitur to follow this with these words, "So we cannot print your original letter". Whether or not you mean or would is entirely unrelated to anything you have said and is, in fact, an independent decision. If your purpose is printing the original article that you now know is grossly inaccurate was other than the sycophantic publication of support for the untenable official fiction you would have no difficulty, no problem of any kind, in setting the record straight.

Then you get clever, in a real sneaky way. "If however you want to write us a short letter off not more than 250 or 300 words challenging Epstein's interpretation of the assassination, we'd be glad to consider it for publication." This you follow with what you may have intended as kindly, fatherly advice, "But I'd like to caution you to avoid difficulty, create details that would simply baffle our readers." In short, you ask me to write about other than the basis of my complaint and build in the rejection. If your readers made sense, honest sense, got anything but defamation from Epstein's writing, you need never worry about their comprehension.

Now can anyone "challenge Epstein's interpretation of the assassination" when there is no such thing? Killy seemed that he is, he equivocates and hedges everything, can fairly be said to have charged first a monster conspiracy headed by Earl Warren and now to believe that government can do no wrong. It would be easier to grasp a lubricated eel.

But the fact that you made me even a conditional offer, I believe you instead, can later be referred to, should I sue, as an offer of good faith on your part. It is not, and were I to accept it and you did print it, since you eliminate any possibility of my addressing the damage done me, would simply be made to seem that I endorse your defamations. Really, this is too cheap of you.

Where do you leave the matter?

You have failed to deny or by indirection dispute my charge that what you published about me, without exception, is inaccurate. You fail to dispute or deny that it was designed to be defamatory. You are the editor; you should know. Is this the Sunday Magazine interpretation of "all the news that's fit to print"? But your letter leaves no doubt that you now know my complaint is valid. You merely tell me to go to hell in what only superficially is polite language. Had you done the obvious, you'd have asked Epstein for substantiation of his falsehoods and distortions. I presume you did. That certainly didn't require two months, not even for him. So, once you found out that he is the scoundrel I accurately described, you had to make a policy decision: you could not retract, but you'd make a meaningless offer that, if I were to accept it, would hurt me more and seem to be my approval of the defamations.

Whether or not this is below you, I once would have thought it below The New York Times.

The tremendous and needless tragedies in the wake of the great one of the beginning of the assassination era in large measure attributable to the obligations of those to whom in a society like ours we look for leadership and information. Without both, a democratic society cannot function. All failed us: the intellectual, the lawyers, the press. Had any one fulfilled its obligations, all of history might have been different. What your paper and now your personally are cast in this invidious role.

What I say or may not be able to do about this only time will tell. But one thing this correspondence does establish, and that is a record, your record, on an issue of central national significance. In failing your responsibilities, which are here merely those of anyone in your position, you defend yourself as no one could for you.

I have a general understanding of the recent decisions on libel and realize you might perhaps claim that such defamations as you in this and other cases have published in themselves make me a "controversial" person. My understanding of this decision is that it would be otherwise if there were a showing of malice or willfulness. You may have discerned those with whom you conspired during those two months if you did not present to them Epstein's other speakings and writings and others in the New York Times, including several British writers. In fact, I suggest the possibility to you that there may be part of the record that, despite the competence of the Times staff, may not have been available to you.

In any event, I hope it is not a futility to believe it is yet possible for the New York Times to be honest in this matter, to undo the harm you have, for whatever motive done, to the degree you still can. If you do not, you add yourself and the Times to those harmed.

Sincerely,

Herold Weisberg